



January 11, 2016

***Via CAND-ECF Filing***

The Honorable Charles R. Breyer  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

**Re: *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and  
Product Liability Litigation*  
MDL No. 2672**

Dear Judge Breyer:

Please accept this letter of application for appointment to the Plaintiffs’ Steering Committee in the above-referenced matter submitted pursuant to Pretrial Order No. 2. My firm and I are counsel for Plaintiffs Hsin-Min Edward Chen and Feisa Jan, both individually and on behalf of Xinnamonj, Inc., in the case of *Chen v. Volkswagen Group of America, Inc.*, Case No. 3:15-cv-05773, filed in this Court. It is, and was, our intention to serve the best interests not only of Mr. and Mrs. Chen and Xinnamonj, Inc., but all those similarly situated who made Volkswagen purchases based on representations that were not accurate.

There are many fine attorneys and firms that have submitted applications and most tout their involvement in prior multidistrict litigations to the point that one could properly question whether there is a closed circle of lawyers who appear in all multidistrict cases based primarily on their appearance in prior cases. While repetition no doubt has its value, so does innovation and what is often termed “new blood.”

The undersigned, moreover, is an experienced San Francisco trial attorney, with more than 40 years of experience in cases litigated throughout the state and the nation. I have appeared in multidistrict cases involving mass air disasters, including United Airlines and TWA flights, one of which I ultimately and successfully tried in front of the Honorable Marilyn Hall Patel in this Court (*Ben-Shimol v. Trans World Airlines*, Case No. 3:93-cv-01586-MHP).

Nevertheless, as a relative newcomer to multidistrict litigation, but as a litigator who has tried over 100 cases, including trials in Boston, Las Vegas, Washington, D.C.,

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The Honorable Charles R. Breyer  
January 11, 2016  
Page 2

and at least 16 counties and four Federal Courts in California, and including successful prosecutions of Ford, General Motors, Toyota, and Honda, I bring both a willingness and an ability to do the day-to-day work that may be less appealing to those who might consider themselves generals rather than captains in the army of plaintiffs' counsel.

My firm and I are willing and able to commit the time, resources and effort to do whatever is necessary to prosecute or resolve this litigation effectively, expeditiously, and ethically. Moreover, we are well positioned to work with others who have applied for leadership positions since I know a great many of them personally and professionally, and since I share with them fellowship status in such elected organizations as the International Academy of Trial Lawyers, the American College of Trial Lawyers, the International Society of Barristers, and the American Board of Trial Advocates. This application, in particular, is supported by fellow applicants Joseph Cotchett and Frank Pitre of the firm of Cotchett, Pitre & McCarthy, LLP, 804 Malcolm Road, Burlingame, CA 94010 (650) 697-6000.

Local judges who can vouch for the undersigned's ability and integrity include:

From the California Court of Appeal, First District:

Justice Maria P. Rivera, 350 McAllister Street, San Francisco, CA 94102-7421, Tel: (415) 865-7240

Justice Timothy A. Reardon, 350 McAllister Street, San Francisco, CA 94102-7421, Tel: (415) 865-7220

Justice Mark B. Simons, 350 McAllister Street, San Francisco, CA 94102-7421, Tel: (415) 865-7300

From the Federal Bench:

The Hon. Oliver W. Wanger (Eastern District of California, Ret.), Wanger Jones Helsley PC, 265 E. River Park Circle, Suite 310, Fresno, California 93720, Tel: (559) 233-4800

The Hon. Barbara A. McAuliffe (Eastern District of California), 2500 Tulare Street, Sixth Floor, Fresno, CA 93721, Tel: (559) 499-5788

The Honorable Charles R. Breyer  
January 11, 2016  
Page 3

The Hon. Vaughn R. Walker (Northern District of California, Ret.),  
Federal Arbitration, 1600 Adams Drive, Menlo Park, CA 94025, Tel:  
(415) 871-2888, (650) 328-9500

From California Superior Courts:

The Hon. Mary E. Wiss, San Francisco Superior Court, Department 305,  
400 McAllister Street, San Francisco, CA 94102, Tel: (415) 551-3732

The Hon. Alfred Chiantelli (San Francisco Superior Court, Ret.), ADR  
Services, 100 1st Street, San Francisco, CA 94105, Tel: (415) 772-0900

The Hon. James J. McBride (San Francisco Superior Court, Ret.), ADR  
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The Hon. Judith Craddick, Contra Costa Superior Court, 725 Court Street,  
Martinez CA 94553, Tel: (925) 957-5709

The Hon. Paul M. Haakenson, Marin Superior Court, Courtroom E, 3501  
Civic Center Drive, San Rafael, CA 94903, Tel: (415) 444-7215

The Hon. Roy O. Chernus, Marin Superior Court, Courtroom B, 3501  
Civic Center Drive, San Rafael, CA 94903, Tel: (415) 444-7212

And, most recently, from Plumas County Superior Court:

The Hon. Janet Hilde, 520 Main Street, Quincy, CA 95971, Tel: (530)  
283-6297

It would be the highest honor to be selected to serve on the Plaintiffs' Steering  
Committee in the capacity as counsel for individual and business owners of vehicles, or  
in any other capacity in which I may be of service, and I respectfully submit my firm for  
consideration.

Respectfully,

/s/ Walter H. Walker, III  
WALTER H. WALKER, III